

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LEVI B. SEARS,

v.

DARIN BALAAM, *et al.*,

Plaintiff,

Defendants.

Case No. 3:21-cv-00373-MMD-CSD

ORDER

11        *Pro se* Plaintiff Levi B. Sears brings this action under 42 U.S.C. § 1983. Before the  
12 Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge  
13 Craig S. Denney (ECF No. 36), recommending the Court grant Defendants’ motion to  
14 dismiss (ECF No. 31). Plaintiff had until December 12, 2022 to file an objection. To date,  
15 no objection to the R&R has been filed.<sup>1</sup> For this reason, and as explained below, the  
16 Court adopts the R&R in full and grants Defendants’ motion.

17        Because there is no objection, the Court need not conduct *de novo* review and is  
18 satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d  
19 1114, 1116 (9th Cir. 2003) (“*De novo* review of the magistrate judges’ findings and  
20 recommendations is required if, but *only* if, one or both parties file objections to the  
21 findings and recommendations.”) (emphasis in original). Here, Judge Denney  
22 recommends granting Defendants’ motion because Sears has continually failed to update  
23 his address with the Court in accordance with Local Rule IA 3-1 or otherwise indicate an  
24 intent to prosecute this action, and the majority of the relevant factors weigh in favor of  
25 dismissal under Federal Rule of Civil Procedure 41(b). (ECF No. 36 at 2-4.) The Court

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28        <sup>1</sup>The R&R was returned as undeliverable. (ECF No. 37.) However, it is Sears’s  
responsibility to file notification of any change of mailing address. See LR IA 3-1.

1 agrees with Judge Denney. Having reviewed the R&R and the record in this case, the  
2 Court will adopt the R&R in full.

3 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
4 No. 36) is accepted and adopted in full.

5 It is further ordered that Defendants' motion to dismiss (ECF No. 31) is granted.

6 It is further ordered that this action is dismissed without prejudice.

7 The Clerk of Court is directed to enter judgment in Defendants' favor and close this  
8 case.

9 DATED THIS 19<sup>th</sup> Day of December 2022.

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11 MIRANDA M. DU  
12 CHIEF UNITED STATES DISTRICT JUDGE

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